

Ala. Code 1975, § 13A-6-28

Burning of Cross or American Flag

The defendant is charged with burning **[select: a cross or the American flag]**.

A person commits the crime of burning **[select: a cross or the American flag]** if, with the intent to intimidate any person or group of persons, he/she burns, or causes to be burned, **[select: a cross or the American flag]** on the property of another, a highway, or other public place.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant **[select: burned or caused to be burned]** **[select: a cross or the American flag]** on the property of another, a highway, or other public place, **[describe]; (AND)**
- (2) The defendant did so with the intent to intimidate a person or group of persons **[name]**.

Intent to intimidate means the intent to place a person or a group of persons in fear of bodily harm. [13A-6-28(b)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of burning **[select: a cross or the American flag]**, then you shall find the defendant guilty of burning **[select: a cross or the American flag]**.

If you find that the State has failed to prove any one or more of the elements of burning **[select: a cross or the American flag]**, then you cannot find the defendant guilty of burning **[select: a cross or the American flag]**.

Use Notes

For unborn child exceptions see 13A-6-1(b) through (e).

[Approved 10-14-15.]